

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 4, 2003

DIVISION TWO

B162586 People (Not for Publication)
v.
Bonilla

The order of sentencing is reversed. The cause is remanded for a new sentencing hearing at which the trial court will consider whether to impose or strike the Penal Code section 186.22 gang enhancement. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

B164813 People (Not for Publication)
v.
Mejia

We reverse that part of the judgment imposing and staying the terms for the surplus or inapplicable enhancements described in section 12022.53, subdivision (f); here, sections 12022.53, subdivisions (b) and (c), 12022.55, and 12022.7, subdivision (a)). In lieu thereof, the findings of the following enhancements are stricken: the use and discharge of a firearm enhancements imposed pursuant to section 12022.53, subdivisions (b) and (c), and pursuant to section 12022.55, as well as the enhancement for the infliction of great bodily injury imposed pursuant to sections 12022.7, subdivision (a). As modified, the judgment is affirmed. The superior court shall cause its clerk to amend the abstract of judgment as provided above and to send the amended abstract of judgment to the California Department of Corrections.

Boren, P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

November 4, 2003 (Continued)

DIVISION TWO (Continued)

B155023 Weiss (Not for Publication)

V.
Roy P.,
William P.

The order of the superior court, entered November 16, 2001, is affirmed. Appellant Roy Penuela is ordered to bear respondent Susan Weiss's costs of appeal. In addition, the court imposes sanctions on Roy Penuela in the amount of \$2,500 for maintaining this frivolous appeal. Roy Penuela is ordered to pay the sanctions to the clerk of this court. The clerk of this court is directed to deposit said sum in the general fund. All sanctions shall be paid no later than 30 days after the date the remittitur is filed.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

DIVISION THREE

B161253 Linda V. Richard (Not for Publication)

V.
Paul E. Richard

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B159566 Bo Zenga, et al. (Not for Publication)

V.
Brillstein-Grey Entertainment, et al.

The judgment is affirmed. Bo Zenga and Boz Productions, Inc. are to pay all costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

November 4, 2003 (Continued)

DIVISION THREE (Continued)

B154717 Continental Hospital Supply Corp, et al. (Not for Publication)
v.
Nora Kubota and Northridge Hospital Medical Center

The judgment is affirmed. Kubota and Northridge Hospital are awarded costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B157578 Glassman (Certified for Publication)
v.
McNab

The order is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B162878 Morejon (Not for Publication)
v.
Terry Hinge and Hardware, et al.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

November 4, 2003 (Continued)

DIVISION FOUR (Continued)

B162932 People
v.
Lopez

(Not for Publication)

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B166881 People v. Mezquita (Not for Publication)

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B161881 Medina, et al.
v.
Board of Retirement, et al.

Filed order modifying opinion. No change in the judgment)

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

DIVISION FIVE (Continued)

Each of the following:

B164536 Peo v. Luno

B169324 Peo v. Way

Argument waived, cause submitted.

B164301 People
 v.
 Theodaris Oliver

Merits:

Argued by Edward J. Haggerty for appellant and by Beverly K. Falk, deputy attorney general, for respondent. Cause submitted.

B160754 People
 v.
 Daniel McCoy

Merits:

Argued by Richard M. Doctoroff for appellant and by Margaret E. Maxwell, deputy attorney general, for respondent. Cause submitted.

B161501 Ronald Stock
 v.
 Herbert Hafif

Merits:

Argued by Ronald C. Stock in propria persona and by Herbert Hafif for defendants, appellants and cross-respondents. Cause submitted.

B164411 Colin Roach
 v.
 Gwendolyn Roach

Merits:

Argued by Joanna Rehm for appellant and by Thomasina M. Reed for respondent. Cause submitted.

DIVISION FIVE (Continued)

Court recessed at 10:05 a.m.

Court reconvened at 10:20 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

Each of the following:

B164255 Peo v. Singleton
B165412 Peo v. Lockhart

Argument waived, cause submitted

B161814 People
 v.
 Alvin Maiden

Merits:

Argued by Joanna McKim for appellant and by Robert C. Schneider, deputy attorney general, for respondent. Cause submitted.

B162132 People
 v.
 Cubie Hayes

Merits:

Argued by Juliana Drous for appellant and by Deborah J. Chuang, deputy attorney general, for respondent. Cause submitted.

B162441 Carliss Richardson-McGhee
 v.
 Robert Mitchell

Merits:

Argued by Paul T. Gough for appellants and by Wendy Y. Watanabe for respondents. Cause submitted.

DIVISION FIVE (Continued)

B157157 Hiram Ash
 v.
 Hoag Property Mgt., Inc.

Merits:
Argued by Hiram Ash appellant in propria persona and by Michael J. Strickroth for respondent. Cause submitted.

B165879 People
 v.
 Johnny Martinez

Merits:
Argued by Michelle Des Jardins, deputy attorney general, for appellant and by Keith Wattley for respondent. Cause submitted.

B164476 David Keel
 v.
 BMG Entertainment, et al.

Merits:
Argued by Paul J. Watford and James M. Harris for appellants and by Alan M. Mansfield for respondents. Cause submitted.

Court recessed at 12:30 p.m.

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Armstrong, J., Mosk, J., and J. Belcher, Deputy Clerk.

Each of the following:

B164216 Peo v. Foster
B163235 Peo v. Williams
B163291 Peo v. Martinez
B162016 DCFS v. Patricia S.
B160828 I-Tel v. Spektor

Argument waived, cause submitted

DIVISION FIVE (Continued)

B162679 People
 v.
 Miguel Ventura

Merits:
Argued by Richard Fitzer for appellant. Respondent waived oral argument.
Cause submitted.

B160533 People
 v.
 Tony Tena

Merits:
Argued by Gerald Philip Peters for appellant and by Ellen Birenbaum Kehr,
deputy attorney general, for respondent. Cause submitted.

B163330 Franklin Miller
 v.
 Darren Spiegel, Price & Associates

Merits:
Argued by Franklin L. Miller appellant in propria persona and by Marnin
Weinreb for respondent. Cause submitted.

B163990 J & S Construction Corp., et al.
 v.
 Michele Baine, et al.

Merits:
Argued by Christopher Rolin for appellants and by Michael J. Allison for
respondents. Cause submitted.

Court adjourned at 2:05 p.m.

B158884 People
 v.
 Jose De La Cruz

Filed order denying petition for rehearing.

November 4, 2003 (Continued)

DIVISION SIX

B161905 The People (Not for Publication)
v.
Caro,
County of Ventura

The judgment is affirmed. Costs on appeal are awarded to the County.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

[illegible]

The judgment is reversed. The trial court shall vacate the default and default judgment. Costs to appellant.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B167130 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

November 4, 2003 (Continued)

DIVISION SEVEN (Continued)

B166852 People v. Tarpley (Not for Publication)

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.